

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHN CARFAGNO, derivatively on behalf of
CENTERLINE HOLDING COMPANY,

Plaintiff,

v.

MARC D. SCHNITZER, *et al.*,

Defendants.

TONY BROY, derivatively and on behalf of
Nominal Defendant CENTERLINE HOLDING
COMPANY,

Plaintiff,

v.

JEFF T. BLAU, *et al.*,

Defendants.

08-CV-912-SAS

08-CV-1971-SAS

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that upon the attached declaration of Richard A. Rosen, sworn to May 12, 2007, the accompanying Memorandum of Law, and all prior pleadings and proceedings herein, the undersigned will move this Court on a day and time to be determined by the Court for an order pursuant to 15 U.S.C. § 78bb, and Rules 12(b)(6) and 23.1 of the Federal Rules of Civil Procedure, dismissing with prejudice all of plaintiff Carfagno's claims against the above-named defendants.

PLEASE TAKE FURTHER NOTICE that pursuant to the schedule set by the Court on April 15, 2008, answering papers shall be served on or before June 5, 2008. Reply papers shall be served on or before June 19, 2008.

Dated: New York, New York
May 12, 2008

Respectfully submitted,

/s/ Richard A. Rosen
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Filed on behalf of Marc. D. Schnitzer, Robert L. Levy, and Leonard W. Cotton, Peter T. Allen, Robert J. Dolan, Robert A. Meister, Nathan Gantcher, Jerome Y. Halperin, Robert L. Loverd, Janice Cook Roberts, Thomas W. White, Stephen M. Ross, Jeffrey T. Blau, and Centerline Holding Company upon consent.